

AMENDED IN ASSEMBLY SEPTEMBER 7, 2005

AMENDED IN ASSEMBLY SEPTEMBER 1, 2005

AMENDED IN ASSEMBLY JUNE 22, 2005

AMENDED IN ASSEMBLY JUNE 14, 2005

AMENDED IN SENATE MAY 11, 2005

AMENDED IN SENATE APRIL 12, 2005

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**SENATE BILL****No. 283**

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**Introduced by Senator Maldonado**

February 16, 2005

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An act to add Section 97 to, and to add and repeal Section 97.5 of, the Streets and Highways Code, and to amend Section 35401 of, and to add Section 42010 to, the Vehicle Code, relating to transportation.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 283, as amended, Maldonado. Safety Enhancement-Double Fine Zones: vehicles.

(1) Existing law vests with the Department of Transportation, full possession and control of the state highway system. Under existing law, until January 1, 2006, a specified state highway segment has been designated as a Safety Enhancement-Double Fine Zone that is subject to rules and regulations, as specified, adopted by the department pertaining to those zones.

This bill would specify standards for Safety Enhancement-Double Fine Zones and would designate, until January 1, 2010, a specified segment of State Highway Route 101 and County Road 16 in Monterey County as Safety Enhancement-Double Fine Zones. The bill would also require the Department of Transportation to prepare an

evaluation on designated Safety Enhancement-Double Fine Zones and submit a report to the Legislature. The bill would impose an increased penalty for certain traffic violations committed in a Safety Enhancement-Double Fine Zone. Because the bill would require Monterey County, in part, to administer the county road zone, it would impose a state-mandated local program.

(2) Existing law prohibits any combination of vehicles coupled together, including any attachments, from exceeding a total length of 65 feet, with certain, specified exceptions. Existing law, until January 1, 2006, exempts a combination of vehicles from the specified length limitation, and authorizes the combination to have a total length of not more than 75 feet, if the combination (1) consists of a motortruck and 2 trailers; (2) no trailer in the combination exceeds 28 feet 6 inches in length; (3) the combination is used exclusively to transport agricultural products from the field to the first point of handling and return, and each direction of transport does not exceed 80 miles; and (4) the combination is not operated on a highway that is designated as a national network route.

This bill would change the inoperative date for the exemption to January 1, ~~2008~~ 2007.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 97 is added to the Streets and Highways
- 2 Code, to read:
- 3 97. (a) In order to be designated by statute as a Safety
- 4 Enhancement-Double Fine Zone, a highway or road segment
- 5 shall have experienced a significant number of traffic accidents,
- 6 injuries, and fatalities within the prior three-year period, and
- 7 other traffic safety measures that have been undertaken shall
- 8 have not appreciably reduced the level of those incidents.

1 (b) The concurrence in the designation of the Department of  
2 the California Highway Patrol or local agency having traffic  
3 enforcement jurisdiction, as the case may be, shall be required  
4 prior to designation of the zone pursuant to statute, along with a  
5 resolution supporting the designation from the city, or county  
6 with respect to an unincorporated area, in which the segment is  
7 located.

8 (c) Each local governing body where a double fine zone is  
9 designated by statute in its jurisdiction shall, prior to the  
10 establishment of a double fine zone, do the following:

11 (1) Undertake a public awareness campaign to inform the  
12 public of the double fine zone designation, where it is located, its  
13 purpose, and its consequences.

14 (2) Where appropriate, increased traffic safety enhancements,  
15 enforcement, and other roadway safety measures shall be  
16 implemented in coordination with the establishment of the  
17 double fine zone.

18 (d) A Safety Enhancement-Double Fine Zone is subject to the  
19 rules and regulations adopted by the department prescribing  
20 uniform standards for warning signs to notify motorists that,  
21 pursuant to Section 42010 of the Vehicle Code, increased  
22 penalties apply for traffic violations that are committed within a  
23 Safety Enhancement-Double Fine Zone.

24 (e) The department or the local authority having jurisdiction  
25 over these highway and road segments shall place and maintain  
26 the warning signs identifying these segments by stating that a  
27 “Special Safety Zone Region Begins Here” and a “Special Safety  
28 Zone Ends Here.” The department shall adopt rules and  
29 regulations for the administration of a Safety  
30 Enhancement-Double Fine Zone under this section.

31 (f) Safety Enhancement-Double Fine Zones do not increase  
32 the civil liability of the state or local authority having jurisdiction  
33 over the highway segment under Division 3.6 (commencing with  
34 Section 810) of Title 1 of the Government Code or any other  
35 provision of law relating to civil liability.

36 (1) Only the base fine shall be enhanced pursuant to this  
37 section.

38 (2) Notwithstanding any other provision of law, any additional  
39 penalty, forfeiture, or assessment imposed by any other statute  
40 shall be based on the amount of the base fine before enhancement

1 or doubling and shall not be based on the amount of the enhanced  
2 fine imposed pursuant to this section.

3 (g) The projects specified as a Safety Enhancement-Double  
4 Fine Zone shall not be elevated in priority for state funding  
5 purposes.

6 (h) The term for a Safety Enhancement-Double Fine Zone  
7 shall be limited to four years.

8 (i) The Department of Transportation shall conduct an  
9 evaluation of the effectiveness of all double fine zones that will  
10 terminate the same calendar year and submit its findings in one  
11 report to the Assembly Committee on Transportation and the  
12 Senate Committee on Transportation and Housing one year prior  
13 to the termination of the double fine zones. The report shall  
14 include a recommendation on whether the zones should be  
15 reauthorized by the Legislature.

16 SEC. 2. Section 97.5 is added to the Streets and Highways  
17 Code, to read:

18 97.5. (a) The following state highway and county road  
19 segments are Safety Enhancement-Double Fine Zones:

20 (1) The segment of State Highway Route 101, between the  
21 junction with Boronda Road and the San Benito-Monterey  
22 County line.

23 (2) The segment of County Road 16, also known as Carmel  
24 Valley Road, between the junction with State Highway Route 1  
25 and the junction with Camp Stefani Road.

26 (b) This section shall remain in effect only until January 1,  
27 2010, and as of that date is repealed, unless a later enacted  
28 statute, that is enacted before January 1, 2010, deletes or extends  
29 that date.

30 SEC. 3. Section 35401 of the Vehicle Code is amended to  
31 read:

32 35401. (a) Except as provided in subdivisions (b), (c), and  
33 (d), no combination of vehicles coupled together, including any  
34 attachments, may exceed a total length of 65 feet.

35 (b) (1) A combination of vehicles coupled together, including  
36 any attachments, which consists of a truck tractor, a semitrailer,  
37 and a semitrailer or trailer, may not exceed a total length of 75  
38 feet, if the length of neither the semitrailers nor the trailer in the  
39 combination of vehicles exceeds 28 feet 6 inches.

(2) A B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailers of a truck tractor-semitrailer-semitrailer combination of vehicles. However, if there is no second semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer to which it is attached.

(3) A combination of vehicles coupled together, including any attachments, may have a total length of not more than 75 feet, if all of the following apply:

(A) The combination of vehicles consists of a motortruck and two trailers.

(B) No trailer in the combination exceeds 28 feet 6 inches in length.

(C) The combination is used exclusively to transport agricultural products from the field to the first point of handling and return, and each direction of transport does not exceed 80 miles.

(D) The combination is not operated on a highway designated by the United States Department of Transportation as a national network route.

(E) The Department of the California Highway Patrol, in consultation with the Department of Transportation, shall conduct a study of the effect that the exemption provided in paragraph (3) has on public safety. The Department of the California Highway Patrol shall report the results of the study to the Legislature and the Governor on or before April 1, 2005.

(F) This paragraph shall become inoperative on January 1, ~~2008~~ 2007, unless a later enacted statute deletes or extends that date.

(c) (1) A tow truck in combination with a single disabled vehicle or a single abandoned vehicle that is authorized to travel on the highways by this chapter is exempt from subdivision (a) when operating under a valid annual transportation permit.

(2) A tow truck, in combination with a disabled or abandoned combination of vehicles that are authorized to travel on the highways by this chapter, is exempt from subdivision (a) when operating under a valid annual transportation permit and within a 100-mile radius of the location specified in the permit.

1 (3) A tow truck may exceed the 100-mile radius restriction  
2 imposed under paragraph (2) if a single trip permit is obtained  
3 from the Department of Transportation.

4 (d) Any city or county may, by ordinance, prohibit a  
5 combination of vehicles of a total length in excess of 60 feet  
6 upon highways under its respective jurisdiction. The ordinance  
7 may not be effective until appropriate signs are erected indicating  
8 either the streets affected by the ordinance or the streets not  
9 affected, as the local authority determines will best serve to give  
10 notice of the ordinance.

11 (e) Any city or county, upon a determination that a highway or  
12 portion of highway under its jurisdiction cannot, in consideration  
13 of public safety, sustain the operation of trailers or semitrailers of  
14 the maximum kingpin to rearmost axle distances permitted under  
15 Section 35400, may, by ordinance, establish lesser distances  
16 consistent with the maximum distances that the highway or  
17 highway portion can sustain, except that a city or county may not  
18 restrict the kingpin to rearmost axle measurement to less than 38  
19 feet on those highways or highway portions. Any city or county  
20 considering the adoption of an ordinance shall consider, but not  
21 be limited to, consideration of, all of the following:

22 (1) A comparison of the operating characteristics of the  
23 vehicles to be limited as compared to operating characteristics of  
24 other vehicles regulated by this code.

25 (2) Actual traffic volume.

26 (3) Frequency of accidents.

27 (4) Any other relevant data.

28 In addition, the city or county may appoint an advisory  
29 committee consisting of local representatives of those interests  
30 which are likely to be affected and shall consider the  
31 recommendations of the advisory committee in adopting the  
32 ordinance. The ordinance may not be effective until appropriate  
33 signs are erected indicating the highways or highway portions  
34 affected by the ordinance.

35 This subdivision shall only become operative upon the  
36 adoption of an enabling ordinance by a city or county.

37 (f) Whenever, in the judgment of the Department of  
38 Transportation, any state highway cannot, in consideration of  
39 public safety, sustain the operation of trailers or semitrailers of  
40 the maximum kingpin to rearmost axle distances permitted under

Section 35400, the director, in consultation with the Department of the California Highway Patrol, shall compile data on total traffic volume, frequency of use by vehicles covered by this subdivision, accidents involving these vehicles, and other relevant data to assess whether these vehicles are a threat to public safety and should be excluded from the highway or highway segment. The study, containing the conclusions and recommendations of the director, shall be submitted to the Secretary of the Business, Transportation and Housing Agency. Unless otherwise notified by the secretary, the director shall hold public hearings in accordance with the procedures set forth in Article 3 (commencing with Section 35650) of Chapter 5 for the purpose of determining the maximum kingpin to rear axle length, which shall be not less than 38 feet, that the highway or highway segment can sustain without unreasonable threat to the safety of the public. Upon the basis of the findings, the Director of Transportation shall declare in writing the maximum kingpin to rear axle lengths which can be maintained with safety upon the highway. Following the declaration of maximum lengths as provided by this subdivision, the Department of Transportation shall erect suitable signs at each end of the affected portion of the highway and at any other points that the Department of Transportation determines to be necessary to give adequate notice of the length limits.

The Department of Transportation, in consultation with the Department of the California Highway Patrol, shall compile traffic volume, geometric, and other relevant data, to assess the maximum kingpin to rearmost axle distance of vehicle combinations appropriate for those state highways or portion of highways, affected by this section, that cannot safely accommodate trailers or semitrailers of the maximum kingpin to rearmost axle distances permitted under Section 35400. On or before January 1, 1989, the department shall erect suitable signs appropriately restricting truck travel on those highways, or portions of highways, and report its findings and recommendations to the Legislature.

SEC. 4. Section 42010 is added to the Vehicle Code, to read:

42010. (a) For any offense specified in subdivision (b) that is committed by the driver of a vehicle within an area that has been designated as a Safety Enhancement-Double Fine Zone pursuant

1 to Section 97 and following of the Streets and Highways Code,  
2 the fine in a misdemeanor case, shall be double the amount  
3 otherwise prescribed, and in an infraction case, the fine shall be  
4 one category higher than the penalty otherwise prescribed by the  
5 uniform traffic penalty schedule established pursuant to Section  
6 40310.

7 (b) A violation of any of the following provisions is an offense  
8 that is subject to subdivision (a):

9 (1) Chapter 3 (commencing with Section 21650) of Division  
10 11, relating to driving, overtaking, and passing.

11 (2) Chapter 7 (commencing with Section 22348) of Division  
12 11, relating to speed limits.

13 (3) Section 23103, relating to reckless driving.

14 (4) Section 23104, relating to reckless driving that results in  
15 bodily injury to another.

16 (5) Section 23109, relating to speed contests.

17 (6) Section 23152, relating to driving-under-the-influence of  
18 alcohol or a controlled substance, or Section 23103, as specified  
19 in Section 23103.5, relating to alcohol-related reckless driving.

20 (7) Section 23153, relating to driving-under-the-influence of  
21 alcohol or a controlled substance, that results in bodily injury to  
22 another.

23 (8) Section 23220, relating to drinking while driving.

24 (9) Section 23221, relating to drinking in a motor vehicle  
25 while on the highway.

26 (10) Section 23222, relating to driving while possessing an  
27 open alcoholic beverage container.

28 (11) Section 23223, relating to being in a vehicle on the  
29 highway while possessing an open alcoholic beverage container.

30 (12) Section 23224, relating to being a driver or passenger  
31 under the age of 21 possessing an open alcoholic beverage  
32 container.

33 (13) Section 23225, relating to being the owner or driver of a  
34 vehicle in which there is an open alcoholic beverage container.

35 (14) Section 23226, relating to being a passenger in a vehicle  
36 in which there is an open alcoholic beverage container.

37 (c) This section applies only when traffic controls or warning  
38 signs have been placed pursuant to Section 97 of the Streets and  
39 Highways Code.



1 (d) (1) Notwithstanding any other provision of law, the  
2 enhanced fine imposed pursuant to this section shall be based  
3 only on the base fine imposed for the underlying offense and  
4 shall not include any other enhancements imposed pursuant to  
5 law.

6 (2) Notwithstanding any other provision of law, any additional  
7 penalty, forfeiture, or assessment imposed by any other statute  
8 shall be based on the amount of the base fine before enhancement  
9 or doubling and shall not be based on the amount of the enhanced  
10 fine imposed pursuant to this section.

11 SEC. 5. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district are the result of a program for which legislative authority  
15 was requested by that local agency or school district, within the  
16 meaning of Section 17556 of the Government Code and Section  
17 6 of Article XIII B of the California Constitution.